

Agenda Item # 4

City of Wichita  
City Council Meeting  
October 26, 2004  
Agenda Report No. 04-1049

TO: Mayor and City Council

SUBJECT: Special Events

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve the request for street closures.

Background: In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

Analysis: The following street closure requests have been submitted:

- 29th Annual Turkey Trot Race, Saturday, November 20 – 8:00 am to 12:00 pm
- § Sim Drive west of entrance to Cowtown
- § Amidon extension from Murdock to Cowtown
- § One lane of Amidon from Murdock to 12th Street

Police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period

Financial Consideration: Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Recommendation/Actions: It is recommended that the City Council approve the request subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets.

Agenda Item No. 5

City of Wichita  
City Council meeting  
October 26, 2004

Agenda Report No. 04-1050

TO: Mayor and City Council

SUBJECT: Mutual Aid Agreements – Cities of Andover and Colwich

INITIATED BY: The Wichita Fire Department

AGENDA: Consent

Recommendation: Fire staff recommends approving and signing the mutual agreements for the Cities of Andover and Colwich.

Background: These agreements are for the provision of mutual assistance, and is securing to each, the benefits of protection of life and property from the ravages of fire.

Analysis: It is mutually understood and agreed that when the Wichita Fire Department receives a call for assistance from either of the cities listed above, they will have the discretion to determine whether or not its resources may be deployed to the other agency's jurisdiction. If the Wichita Fire Department responds, it will be released from that response when its resources are needed within the area for which it would normally provide fire protection. (Copies of the agreements are attached.)

Financial Consideration: Each party waives all claims against the other party for compensation for any loss occurring as a consequence of the performance of these agreements. If the Wichita Fire Department responds to a call for assistance they will be responsible for any wages the responders will earn during their absence from the City.

Legal Considerations: These agreements have been approved as to form by the Law Department.

Recommendation/Actions: It is recommended that the City Council approve these Mutual Aid Agreements for Fire Protection, by and between the Cities of Andover, Colwich, and the City of Wichita; and authorize the necessary signatures on the agreements.

Agenda Item No. 6a

City of Wichita  
City Council Meeting  
October 26, 2004

Agenda Report No. 04-1051

TO: Mayor and City Council Members

SUBJECT: Agreement for Design Services for Turkey Creek Addition (north of Pawnee, west of 119th Street West) (District IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The City Council approved the sanitary sewer improvements in Turkey Creek Addition on May 18, 2004.

Analysis: The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of sanitary sewer in Turkey Creek Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Financial Considerations: Payment to Baughman will be on a lump sum basis of \$44,800, and will be paid by special assessments.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

Agenda Item No. 6b

City of Wichita  
City Council Meeting  
October 26, 2004

Agenda Report No. 04-1052

TO: Mayor and City Council Members

SUBJECT: Agreement for Design Services for Southern Ridge 2nd Addition (south of Pawnee, west of Maize) (District IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The City Council approved the sanitary sewer improvements in Southern Ridge 2nd Addition on September 14, 2004.

Analysis: The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of sanitary sewer in Southern Ridge 2nd Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Financial Considerations: Payment to Baughman will be on a lump sum basis of \$24,800, and will be paid by special assessments.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

Agenda Item No. 6c

City of Wichita  
City Council Meeting  
October 26, 2004

Agenda Report No. 04-1053

TO: Mayor and City Council Members

SUBJECT: Agreement for Design Services for Shadow Woods Addition (west of 135th Street West, north of Maple) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The City Council approved the water distribution system, sanitary sewer and paving improvements in Shadow Woods Addition on July 20, 2004.

Analysis: The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer and paving in Shadow Woods Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Financial Considerations: Payment to Baughman will be on a lump sum basis of \$41,600, and will be paid by special assessments.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

Agenda Item No. 7a

CITY OF WICHITA  
City Council Meeting  
October 26, 2004

Agenda Report No. 04-1054

TO: Mayor and City Council Members

SUBJECT: Acquisition of a Portion of 550 Wetmore Court for the Cowskin Creek  
Channel Improvement Project: Kellogg to Maple (District V)

INITIATED BY: Office of Property Management

AGENDA: Consent

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Recommendation: Approve the acquisition

Background: The Cowskin Creek Channel Improvement Project will require the acquisition of all or part of fourteen tracts. One of the required acquisitions involves 57,813 square feet of the residential property located at 550 Wetmore Court. The total tract encompasses 125,508 square feet and is improved with a 3,300 square foot single-family residence. The acquisition will not impact the improvements.

Analysis: The acquisition was appraised for \$15,000 and this amount was confirmed by the review appraiser. The owner has accepted the appraised amount.

Financial Considerations: The funding source is Storm Water Utility and Federal funding. A budget of \$15,500 is requested. This represents \$15,000 for acquisition and \$500 for closing costs, surveys, title insurance and other miscellaneous costs.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that the City Council; 1) Approve the Budget; 2) Approve the Real Estate Purchase Contracts; and 3) Authorize all necessary signatures.

Agenda Item No. 7b

CITY OF WICHITA  
City Council Meeting  
October 26, 2004

Agenda Report No. 04-1055

TO: Mayor and City Council Members

SUBJECT: Acquisition of a Portion of 548 Wetmore Court for the Cowskin Creek  
Channel Improvement Project: Kellogg to Maple (District V)

INITIATED BY: Office of Property Management

AGENDA: Consent

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Recommendation: Approve the acquisition

Background: The Cowskin Creek Channel Improvement Project will require the acquisition of all or part of fourteen tracts. One of the required acquisitions involves 1,845 square feet of the residential property located at 548 Wetmore Court. The total tract encompasses 94,317 square feet and is improved with a 2,964 square foot single-family residence. The acquisition will not impact the improvements.

Analysis: The acquisition was appraised for \$2,000 and this amount was confirmed by the review appraiser. The owner has accepted the appraised amount.

Financial Considerations: The funding source is Storm Water Utility and Federal funding. A budget of \$2,500 is requested. This represents \$2,000 for acquisition and \$500 for closing costs, surveys, title insurance and other miscellaneous costs.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that the City Council; 1) Approve the Budget; 2) Approve the Real Estate Purchase Contracts; and 3) Authorize all necessary signatures.

Agenda Item #8

City of Wichita  
City Council Meeting  
October 26, 2004

Agenda Report No. 04-1056

TO: Mayor and City Council

SUBJECT: Interlibrary Loan Development Program Budget

INITIATED BY: Library

AGENDA: Consent

Recommendation: Accept the grant award.

Background: The Interlibrary Loan Development Program (ILDP) is a collection development grant program available to all types of libraries in Kansas. It is funded by the Kansas State Legislature and administered by the Kansas Library Network Board, a division of the Kansas State Library. ILDP resource grants are distributed automatically each year to 23 public libraries that shoulder the majority of the state's interlibrary loan volume. The Wichita Public Library is one of these agencies. ILDP resource libraries are required to use their grants to buy high-demand materials in designated subject areas. Wichita's assigned subject areas include the social sciences, natural sciences, mathematics, technology, the arts and genealogy.

Analysis: ILDP collection development grants strengthen the statewide interlibrary loan network. Libraries receiving grants must make all circulating items in their collections available via interlibrary loan. There are no other requirements of resource libraries for program participation. Because the materials are available for use by local library customers when not on loan to other libraries in the state, Wichita's library customer receive a significant and direct benefit from the library's participation in the program.

Financial Considerations: ILDP funds are 100% grants with no local funding match required. A minimum of 80% of an annual grant award must be spent directly on the purchase of materials. Up to 20% of an award may be used to offset the cost of supplies required to prepare materials for use within the purchasing library or through interlibrary loan to other libraries in Kansas. The 2004-2005 award to Wichita totals \$99,514, an increase of 1.9% from the previous year. The Library proposes the allowed 20% be set aside for supplies and 80% of the grant be used for materials purchases. This materials budget represents 11.5% of the 2004 revised general fund budget for library materials and will enable significant numbers of additional title purchases in the assigned subject areas.



This budget was reviewed and approved by the Library's Board of Directors at its October 19 meeting.

Recommendation/Action: It is recommended that the City Council accept the grant award and authorize establishment of the grant budget as approved by the Library Board of Directors.

#### Agenda Item #9

City of Wichita  
City Council Meeting  
October 26, 2004

Agenda Report No. 04-1057

TO: Mayor and City Council Members

SUBJECT: CDBG Park Playground Improvements (District IV)

INITIATED BY: Department of Finance

AGENDA: Consent

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Recommendation: Approve the transfer.

Background: On April 6, 2004 the City Council approved the allocation of Community Development Block Grant funds for Neighborhood Stabilization projects in the amount of \$716,495. Improving City park playgrounds was approved by the City Council as part of the Neighborhood Stabilization projects.

Analysis: On August 6, 2004 the City of Wichita received competitive bids for work to furnish and install rubberized safety playground surfacing at Aley and West Douglas Park. The budget for Aley Park playground improvements was approved for \$40,000 and the bid for the work was \$50,108.50. The budget for West Douglas Park playground improvements was approved for \$40,000 and the bid for the work was \$20,873.60, leaving a balance of \$19,126.

Financial Considerations: Transferring \$10,109 in unexpended CDBG funds from the West Douglas Park playground improvements budget to the Aley Park playground improvements budget would provide funding for both parks, as originally planned.

Legal Considerations: The City Council must approve budget transfers that are more than \$10,000.

Recommendation/Action: It is recommended that the City Council approve the budget transfer and authorize the necessary signatures.

Agenda Item #10

City of Wichita  
City Council Meeting  
October 26, 2004

Agenda Report No. 04-1059

TO: Mayor and City Council

SUBJECT: Second Reading Ordinance - WaterWalk Developer Agreement  
Amendments (District I)

INITIATED BY: Finance Department

AGENDA: Consent Agenda

Recommendations: Adopt the Ordinance as amended and approve the amendments to the Development Agreement as amended.

Background: On October 12, 2004, the City Council approved the Second Amendment to the WaterWalk Development Agreement and approved first reading of the ordinance required by Charter Ordinance No. 177 that authorizes execution of said Second Amendment and approves construction of certain improvements as set forth therein. First reading of the ordinance was approved by a two-thirds majority vote of the Council, as required by Charter Ordinance No. 177. The Developers have requested certain amendments to the Second Amendment, as described below.

Analysis: The principal amendment to the Development Agreement involves adding a new definition for "Destination Retailer Improvements" to mean all improvements located within the area defined as the Destination Retailer Improvements Site, which is depicted on a site map attached to the amendments as a new Exhibit 15, except improvements relating to streets, streetscape and underlying utilities. This site includes the destination retailer building and site improvements, public parking facilities and a pedestrian bridge across the Arkansas River.

The Developers are finalizing lease negotiations with the destination retailer, Gander Mountain. In the process, Gander Mountain is requiring a small change in the alignment of the main entrance road into the development from Main Street, which in turn

necessitates shifting parking stalls from one side to the street to the other. To ensure an adequate supply of free public parking stalls, the Developers propose to build a two-level parking deck in the area defined as the Destination Retailer Improvements Site. To accurately reflect this change in the Second Amendment, staff proposes to amend the definition to insert “parking facilities” in place of “surface parking lots.”

The proposed second level of the parking deck will span Water Street for a length of approximately 120 feet. City staff recommends that reconstruction of this segment of Water Street be implemented as part of the construction of the parking structure, to ensure proper management of the work site and safety of workers. To accommodate this change, staff has added a clarifying sentence to the definition.

Financial Considerations: To provide funding for the two-level parking deck, the Developers propose to reduce the amount of structured parking located within the multi-story, mixed-use building that is being built as the initial phase of the WaterWalk development, along with Gander Mountain. The City’s Public Improvements budget includes \$8.6 million for structured parking. Additional funds for the two-level deck will be paid from this budget and the amount of structured parking in the mixed-use building will be reduced accordingly. This change is reflected in Footnote #5 in Exhibit 4 to the Second Amendment. There will be no change to the City’s overall funding of the WaterWalk Project as a result of the proposed changes.

Legal Considerations: The amendments to the Second Amendment to the WaterWalk Development Agreement have been approved as to form by the Law Department. If the Council approves the proposed changes to the Second Amendment to the Development Agreement, conforming changes will be made to the authorizing ordinance required pursuant to Charter Ordinance No. 177. The ordinance requires a 2/3 vote for approval; under standing Council rules, second reading of ordinances on Consent Agenda, unless separately voted, will reflect the same votes as were made on first reading.

Recommendation/Actions: It is recommended that the City Council approve the Second Amendment to the WaterWalk Development Agreement, as amended and adopt the ordinance authorizing the development agreement amendments and approving construction pursuant to the provisions of Charter Ordinance No. 177, as amended. Also adopt the Charter Ordinance amending Charter Ordinance no. 192 on the sale of used merchandise.